

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 60946

Rosa Osnayo
Christian Osnayo

13 Tollgate Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on June 30, 2009, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations (BCZR) section 428, failure to remove or tag white Ford van in driveway on residential property known as 13 Tollgate Road, 21117.

On June 10, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector David Kirby issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 19, 2009 for removal of untagged/inoperative motor vehicle; and cleanup of open dump, removal of trash and debris. This Citation was issued on June 10, 2009. A Citation was previously issued on July 28, 2008 for untagged/inoperative motor vehicle improperly parked on the property, with a \$200.00 civil penalty imposed.

B. Photographs in the file show a white cargo van with no license plates, parked in the driveway and partially off the driveway on the side of the property, next to an unfinished house. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent must remove this vehicle from the premises, store it inside the garage, or put current tags on it and make it operable.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if Respondent corrects the violation by July 24, 2009 by removing the vehicle from the premises, or by making the vehicle operable and properly tagging it. If the Respondent fails to correct the violation by July 24, 2009, then the full civil penalty shall be imposed.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 7th day of July 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer